

GREENFIELD CITY COUNCIL  
183<sup>rd</sup> Regular Meeting Minutes  
October 16, 2019  
7:00 p.m.  
John Zon Community Center  
35 Pleasant Street  
**Council Vote Summary**  
**WEBSITE VERSION**

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**Order no. FY 20-050**

**MOTION:** On a motion by Councilor Stempel, second by Councilor Gilmour, it was by roll call 8 yes, 4 no,

**VOTED:** THAT THE GREENFIELD CITY COUNCIL VOTES TO ENTER INTO EXECUTIVE SESSION FOR REASON # 3—TO DISCUSS STRATEGY WITH RESPECT TO PENDING AND IMMINENTLY THREATENED LITIGATION WHERE AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE LITIGATION POSITION OF THE PUBLIC BODY. THE FOLLOWING IS A SUMMARY LISTING OF THE ITEMS TO BE DISCUSSED:

Litigation involving J. Arccellana's Estate  
Litigation involving S. Kinney  
Litigation involving A. Norman  
Litigation involving D. Kelley  
Litigation involving K. Friedman  
Litigation involving E. Braccia  
Litigation involving National Prescription Opiate Litigation  
Litigation involving International Container Company  
Litigation involving Comcast Cable  
Litigation involving Zoning Appeal - 109 Mohawk Trail  
Litigation involving Zoning Appeal - French King Hwy

**Order no. FY 20-037**

**MOTION:** On a motion by Councilor Wheeler, second by Councilor Mass, it was by majority, 1 abstention,

**VOTED:** THAT IT BE ORDERED THE SUM OF \$1,300.00 BE APPROPRIATED FROM THE STABILIZATION FUND TO FUND RETROACTIVE WAGE PROVISIONS OF A NEW CONTRACT WITH THE GREENFIELD SUPERIOR OFFICERS ASSOCIATION, FRATERNAL ORDER OF POLICE LODGE 50 (SUPERVISORS POLICE UNION).

**Order no. FY 20-044**

**MOTION:** On a motion by Councilor Wheeler, second by Councilor Ricketts, it was unanimously,

**VOTED:** THAT IT BE ORDERED TO AMEND THE FY20 SEWER ENTERPRISE BY REDUCING THE APPROPRIATED AMOUNT BY \$187,826; REVISED APPROPRIATION AMOUNT IS \$2,393,433; AND THAT \$333,112 BE INCLUDED IN APPROPRIATION FROM THE GENERAL FUND FOR SEWER INDIRECT COSTS AND BE ALLOCATED TO THE SEWER ENTERPRISE FUND FOR FUNDING AND THAT \$2,193,433 BE RAISED FROM SEWER RECEIPTS FOR THE FISCAL YEAR STARTING JULY 1, 2019 AND ENDING JUNE 30, 2020.

**Order no. FY 20-028**

**MOTION:** On a motion by Councilor Wheeler, second by Councilor Mayo, it was by majority show of hands, 2 yes, 9 no,

**DEFEATED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL TAKE FROM THE TABLE ORDER NO. FY 20-009, "THE SUM OF \$460,000 BY APPROPRIATED FOR THE REPLACEMENT OF THE HEATING SYSTEM IN GREEN RIVER SCHOOLS AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$460,000, PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44 OR ANY OTHER ENABLING STATUTE,

AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANTS OR BOND PREMIUMS AVAILABLE FOR THIS PROJECT TO USED TO REDUCE THE APPROPRIATION, AND FURTHER, THE MAYOR IS AUTHORIZED TO TAKE ANY ACTION NECESSARY TO CARRY OUT THE INTENT AND PURPOSE OF THESE PROJECTS.” WHICH WAS TABLED AT THE JULY 17, 2019 CITY COUNCIL MEETING.

**Order no. FY 20-046**

**MOTION:** On a motion by Councilor Gilmour, second by Councilor Ricketts, it was unanimously,

**VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL, PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENTS BY THE MAYOR TO THE FOLLOWING, AS AMENDED:

Linda McNerney	Greenfield Cultural District	<del>Expire once project completed</del> <b>December 31, 2021</b>
Rabbi Andrea Cohen-Keiner	Local Cultural Council	Expire December 31, 2021
Hannah Rechtschaffen	Local Cultural Council	Expire December 31, 2021
Emily Deutchman	Local Cultural Council	Expire December 31, 2021

**Order no. FY 20-051**

**MOTION:** On a motion by Councilor Allis, second by Councilor Wheeler, it was unanimously,

**VOTED:** THAT IT BE ORDERED THAT IT BE ORDERED, THE GREENFIELD CITY COUNCIL HEREBY APPROVES THE ATTACHED CITY GENERAL ELECTION WARRANT FOR NOVEMBER 5, 2019 AND FURTHER AUTHORIZES THE CITY COUNCIL PRESIDENT TO SIGN SAID WARRANT ON BEHALF OF THE CITY COUNCIL.

**Order no. FY 20-045**

**MOTION:** On a motion by Councilor Hirschfeld, second by Councilor Mayo, it was by majority show of hands, 7 yes, 3 no, 2 abstention,

**VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL APPROVES THE ATTACHED RESOLUTION TITLED “A RESOLUTION REQUESTING COMPENSATION FROM CVS HEALTH CORPORATION FOR SAID CORPORATION’S ROLE IN THE OPIOID ADDICTION CRISIS IN THE CITY OF GREENFIELD” AS AMENDED:

Whereas: the City of Greenfield, Franklin County, and many other areas of the nation currently suffer from a crisis of opioid addiction, a crisis which developed from an overabundance of legal opioid drugs prescribed and dispensed for over a decade beginning in the late 1990s,<sup>1</sup> and;

Whereas: While the roots of this crisis are complex, aggressive marketing efforts by drug companies focused on the most irresponsible, high-volume prescribers and pharmacies played a major role in moving massive quantities of legal narcotics onto our streets,<sup>2</sup> and;

Whereas: this addiction crisis has led to at least 110 deaths in Franklin County since 2010<sup>3</sup>, has created immeasurable grief for families in the area, has made our community less safe,

<sup>1</sup> “What is the U.S. Opioid Epidemic?,” U.S. Department of Health and Human Services, <https://www.hhs.gov/opioids/about-the-epidemic/index.html>

<sup>2</sup> Ameet Sarpatwari, Michael S. Sinha, & Aaron S. Kesselheim, “ The Opioid Epidemic: Fixing a Broken Pharmaceutical Market,” *Harvard Law & Policy Review* 11, (2017): 465-467.

and has cost local taxpayers significant sums for the provision of additional law enforcement, EMS, social services, and recovery options,<sup>4</sup> and;

Whereas: a single CVS Pharmacy location, at 137 Federal St. in the city of Greenfield, MA, dispensed 5,299,930 doses of these dangerous and addictive narcotics between 2006 and 2012, a number amounting to more than 42 doses per year for every individual in the City of Greenfield and exceeding by a factor of four the number sold by the local pharmacy with the next-highest sales,<sup>5</sup> and;

Whereas: MGL c. 94C §19(a) emphasizes the responsibility of pharmacies in the dispensing of controlled substances, stating that “[t]he responsibility for the proper prescribing and dispensing of controlled substances shall be upon the prescribing practitioner, but a corresponding responsibility shall rest with the pharmacist who fills the prescription,” and;

Whereas: allowing such quantities of dangerous drugs into our community represents a flagrant breach of corporate responsibility and a disregard for public safety, and;

Whereas: profits made from the sale of addictive substances to vulnerable populations are an affront to morality.

**Whereas: in the event that the City of Greenfield receives payment, as a result of any claim, settlement, award, and/or judgment against CVS, said payment shall be set off against any voluntary payment as provided herein.**

Be it resolved that the Greenfield City Council hereby requests that the CVS Health Corporation promptly make a voluntary payment in the amount of \$0.50 for each opioid pill dispensed from 2006 to 2012, for a total of \$2,664,965, with half of that sum payable to the City of Greenfield and half payable to the Opioid Task Force of Franklin County and the North Quabbin Region. These funds, which shall be used for drug treatment, harm reduction, recovery services, research, healthcare expenses, transitional housing, and other much-needed social services, represent only a symbolic contribution on behalf of CVS Health to ameliorate the incalculable human damage that the opioid drugs that they sold have wrought in our communities.

Be it further resolved that that Greenfield City Council encourages all employees and shareholders of the CVS Health Corporation to levy pressure on the corporation’s executive team and board of directors to take responsibility for the corporation’s role in the nationwide opioid crisis and commit to a comprehensive plan by which CVS Health can play a long-term role in said crisis.

Be it further resolved that the town clerk of the City of Greenfield shall upon passage cause a copy of this resolution to be sent to: the CEO of the CVS Health Corporation; the general manager at the CVS Pharmacy location at 137 Federal St. in Greenfield; U.S. Senator Elizabeth Warren; U.S. Senator Ed

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<sup>3</sup> “Number of Opioid-Related Overdose Deaths, All Intentions by County, MA Residents: 2010-2018,” Massachusetts Department of Public Health, May 2019, <https://www.mass.gov/files/documents/2019/05/15/Opioid-related-Overdose-Deaths-by-County-May-2019.pdf>

<sup>4</sup> Elizabeth Weeks, “Financial Impact of the Opioid Crisis on Local Government: Quantifying Costs for Litigation and Policymaking,” *Kansas Law Review* 67, 2019: 2016-1132.

Markey; U.S. Representative James McGovern; Massachusetts State Senator Jo Comerford, Massachusetts State Representative Paul Mark, and to local media outlets including but not limited to the Greenfield Recorder, the Daily Hampshire Gazette, The Boston Globe, the Valley Advocate, MassLive, and 22News.

**Order no. FY 20-032**

**MOTION:** On a motion by Councilor Hirschfeld, second by Councilor Mass, it was unanimously,

**VOTED:** THAT IT BE ORDERED TO APPROVE THE RESOLUTION TO ACCEPT THE MASS DEVELOPMENT SITE READINESS GRANT FOR THE EXPANSION OF THE I-91 INDUSTRIAL PARK.

**WHEREAS,** the land located at 37 Butternut Street, Greenfield, Massachusetts (the “Site”) has been deemed a site suitable for the site assessment program administered by the Massachusetts Development Finance Agency (“MassDevelopment”);

**WHEREAS,** the City of Greenfield, a Massachusetts municipal corporation having a mailing address at 14 Court Square, Greenfield, Massachusetts 01301 (“Municipality”) has been awarded a site readiness recoverable grant in the amount of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000) from MassDevelopment (the “Recoverable Grant”) for readiness assistance related to the Site (the “Project”);

**WHEREAS,** the Recoverable Grant was formalized through a grant agreement between the Municipality and MassDevelopment (the “Grant Agreement”); and

**WHEREAS,** the Municipality has agreed to repay the Recoverable Grant;

**NOW, THEREFORE, BE IT RESOLVED by the Greenfield City Council that the City accepts that:**

If the Site or any portion thereof is sold, conveyed, gifted, demised, ground leased, or otherwise transferred, or refinanced, and as a result of said transaction, the Recipient receives funds that exceed the aggregate amount necessary for repayment of existing monetary liens, mortgage loans, and other debt on the Project and all of the costs incurred by them in the acquisition, development, ownership, and sale of the Site or of the portion of the Site transferred (the “Net Proceeds”), then Recipient shall reimburse MassDevelopment the full amount of the Net Proceeds up to the amount of the Recoverable Grant that has been disbursed and has not already been repaid to MassDevelopment (the “Grant Amount”).

Beginning in the fiscal year when any Economic Benefit to the Municipality (as hereinafter defined) is realized, the Recipient shall include in its annual budget a line item requiring payment to MassDevelopment of an amount equal to 15% of any Economic Benefit to the Municipality, until the earlier of: (i) full repayment of the Grant Amount, (ii) the expiration of 30 years from the date on which the first Economic Benefit to the Municipality is realized, or (iii) if no redevelopment on the Site commences, the expiration of 30 years from the date of the Grant Agreement.

For the purposes of this resolution, “Economic Benefit to the Municipality” means any increase in the annual property tax and/or other municipal revenues for the Site (including but not limited to nonprofit PILOT revenue, and new local revenues derived from municipally-owned redevelopment projects) attributable to development of the Site above the Baseline Value of the property (as hereinafter defined). The “Baseline Value” means the amount of property tax and related tax revenue assessed by the City of Greenfield on the Site in the fiscal year of the Grant Agreement, such amount having been calculated by the municipality and determined to be \$28,985.40 (the “Baseline”).

**Order no. FY 20-035**

**MOTION:** On a motion by Councilor Gilmour, second by Councilor Wheeler, it was unanimously,

**REFERRED TO COMMITTEE:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL AMENDS THE CODE OF THE CITY OF GREENFIELD BY ADDING CHAPTER 345, PROPERTY TAX WORK-OFF ABATEMENT ORDINANCE, AS ATTACHED HERETO AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF CONTENTS OF THE CODE

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<sup>5</sup> “Drilling into the DEA’s pain pill database,” The Washington Post, July 21, 2019, [https://www.washingtonpost.com/graphics/2019/investigations/dea-pain-pill-database/?utm\\_term=.862ad4615e87](https://www.washingtonpost.com/graphics/2019/investigations/dea-pain-pill-database/?utm_term=.862ad4615e87)

AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE CITY OF GREENFIELD.

**Order no. FY 20-040**

**MOTION:** On a motion by Councilor Stempel, second by Councilor Wheeler, it was unanimously,

**VOTED:** THAT IT BE ORDERED THAT THE CITY COUNCIL OF GREENFIELD HEREBY INITIATES THE FOLLOWING ZONE CHANGE IN ACCORDANCE WITH M.G.L.C 40A SECTION 5: AMEND THE ZONING ORDINANCE SCHEDULE OF USES, CHAPTER 200 AS FOLLOWS:

- 200-4.6 HEALTH SERVICE DISTRICT:
  - Add the existing use category “municipal or commercial parking lot or garage” as a use allowed by special permit from the Zoning Board of Appeals within the H District. Currently, this use is not allowed within the H District.
- 200-4.7 CENTRAL COMMERCIAL DISTRICT
  - Add a new use “makerspace” as a use allowed by right within the CC District;
  - Add a new use “craft workshop and light assembly with retail component” as a use allowed by right within the CC District;
  - Add a new use “automated vending kiosks” as a use listed within existing # 16 under uses allowed by right; and
  - Add the existing use category “retail sales incidental to a permitted use or use allowed by special permit” as a use allowed by special permit from the Zoning Board of Appeals. Currently, this use is not allowed within the CC District.
- 200-4.8 LIMITED COMMERCIAL DISTRICT; 200-4.9 GENERAL COMMERCIAL DISTRICT
  - Add a new use “makerspace” as a use allowed by right within the LC and GC Districts;
  - Add a new use “craft workshop and light assembly with retail component” as a use allowed by right within the LC and GC Districts;
  - Add a new use “automated vending kiosks” as a use listed within existing # 22 under uses allowed by right in Section 200-4.8, Limited Commercial;  
Add a new use “automated vending kiosks” as a use listed within existing # 23 under uses allowed by right in Section 200-4.9, General Commercial; and
  - Add the existing use category “mixed residential/business uses” as a use allowed by right within both the LC and GC Districts. Currently, this use is only allowed by special permit in these districts.
  - Add the existing use category “sale, leasing, repair and servicing of new and used motor vehicles with a Class 1 Motor Vehicles License issued by the Town of Greenfield” as a use allowed by special permit within both the LC and GC Districts. Currently, this use is only allowed by special permit within the CC District.
  - Amend the existing use category “self storage” from a use allowed by right within the LC District to a use allowed by special permit.
  - Add the existing use category “retail sales incidental to a permitted use or use allowed by special permit” as a use allowed by right within the LC and GC Districts. Currently, this use is not allowed within the LC and GC Districts.
- 200-4.10 OFFICE DISTRICT
  - Add a new use “makerspace” as a use allowed by right within the O District;
  - Add a new use “craft workshop and light assembly with retail component” as a use allowed by right within the O District;
  - Add the existing use category “mixed residential/business uses” as a use allowed by special permit from the Zoning Board of Appeals within the O District. Currently, this use is not allowed within the O District; and

- Add the existing use category “retail sales incidental to a permitted use or use allowed by special permit” as a use allowed by special permit from the Zoning Board of Appeals. Currently, this use is not allowed within the O District.
- 200-4.11 GENERAL INDUSTRY DISTRICT; 200-4.12 PLANNED INDUSTRY DISTRICT
  - Add the existing use category “greenhouse, nursery or farmstand where fifty percent (50%) or more of the products for sale have been produced on the premises” as a use allowed by right within the PI District to be consistent with M.G.L. Ch. 40A, Section 3;
  - Add the existing use category “bus or railroad passenger terminal or taxi dispatch” as a use allowed by special permit from the Zoning Board of Appeals within the GI District. Currently, it is not allowed within the GI District;
  - Add the existing use category “sale or leasing of motor vehicles, boats, farm implements, campers or other vehicles or heavy equipment” as a use allowed by special permit from the Zoning Board of Appeals within the GI District. Currently, this use is not allowed within the GI District;
  - Add the existing use category “sale, leasing, repair, and servicing of new and used motor vehicles with a Class 1 Motor Vehicle license issued by the Town of Greenfield” as a use allowed by special permit from the Zoning Board of Appeals within the GI District. Currently, this use is not allowed within the GI District;
  - Add the existing use category “service and repair shops for appliances, small equipment, business and consumer products” as a use allowed by special permit from the Zoning Board of Appeals within the GI District. Currently, this use is not allowed within the GI District;
  - Add a new use “makerspace” as a use allowed by right within the GI and PI Districts;
  - Add a new use “craft workshop and light assembly with retail component” as a use allowed by right within the GI and PI Districts;
  - Add a new use “automated vending kiosks” as a use listed within existing # 17 under uses allowed by right within the GI District;
  - Add a new use “automated vending kiosks” as a use listed within existing # 15 under uses allowed by right within the PI District;
  - Add the existing use category “mixed residential/business uses” as a use allowed by special permit from the Zoning Board of Appeals within the GI District. Currently, this use is not allowed within the GI District;
  - Remove the existing use category “hotel, motel, or inn” as a use allowed by special permit within the GI District;
  - Remove the existing use category “conference center” as a use allowed by special permit within the GI District;
  - Add the existing use category “multi-family dwelling in accordance with Section 200-7.2” as a use allowed by special permit from the Zoning Board of Appeals within the GI District. Currently, this use is not allowed within the GI District;
  - Add the existing use categories “accessory dwelling unit, within”, “accessory dwelling unit, attached”, and “accessory dwelling unit, detached” as uses allowed by special permit from the Zoning Board of Appeals within the GI District. Currently, these uses are not allowed within the GI District;
  - Add the existing use category “retail establishment” as a use allowed by right within the GI District. Currently, this use is not allowed within the GI District; and
  - Add the existing use category “restaurant, bar, or lounge for serving food or drinks primarily within the building” as a use allowed by right within the GI District. Currently, this use is not allowed within the GI District.
- ARTICLE II - DEFINITIONS §200-2.1. TERMS AND WORDS
  - *CRAFT WORKSHOP AND LIGHT ASSEMBLY WITH RELATED RETAIL -- A shop that sells goods made by hand such as decorative objects, clothing, and household tools to include the materials and tools used for making such goods.*

- *LIGHT INDUSTRY AND MANUFACTURING -- A section of an economy's secondary industry characterized by less capital-intensive and more labor-intensive operations for the production of small goods. Products made by an economy's light industry tend to be targeted toward end consumers rather than other businesses.*
- *MAKERSPACE – An enterprise that provides technology, equipment, and educational opportunities to the public. They are typically funded by membership fees or through affiliations with external organizations such as universities, for-profit companies, non-profit organizations, and municipalities and allow members to design, prototype, and manufacture items using tools that would otherwise be inaccessible or unaffordable.*
- *AUTOMATED VENDING KIOSK – An automated machine that provides items such as snacks, beverages, cigarettes, lottery tickets, and other goods to consumers after money, a credit card, or specially designed card is inserted into the machine.*
- Amend the existing definition of “retail business” so that it includes internet retail sales.
- ~~RETAIL BUSINESS~~ *Establishment-- Premises used for the retail sale of goods for personal or business use to include internet retail sales, and also premises used for personal, business or household services. Does not include retail businesses elsewhere defined or permanent or on-going tag, yard, garage, or barn sales.*

AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE. AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE CITY OF GREENFIELD.

**Order no. FY 20-047**

**MOTION:** On a motion by Councilor Gilmour, second by Councilor Mayo, it was unanimously,

**VOTED:** THAT IT BE ORDERED THE FOLLOWING ORDINANCE ARE HEREBY VOTED AND ORDERED: THE FOLLOWING ORDERS, NUMBER ARE AFFIRMED, ADOPTED AND RATIFIED AS OF THE DATE APPROVED AS LISTED BELOW AND SHALL HAVE FULL FORCE AND EFFECT AS OF THE DATE APPROVED:

COUNCIL ORDER	CHAPTER/TITLE	COUNCIL APPROVAL
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**NEW ORDINANCE**

FY 18-004	Chapter 566, Veterans Assistance Fund	11-15-2017
FY 19-072	Chapter 343 Prohibiting Single-Use Carryout Bags	01-16-2019

**AMENDED ORDINANCE**

FY 18-091	Chapter 355, Sewer Use Amendment	06-20-2018
FY 18-092	Chapter 415, Water Amendment	06-20-2018
FY 18-118	Chapter 027, Finance Ordinance	05-16-2018
FY 19-025	Chapter 400, Tree Ordinance	09-19-2018
FY 18-052	Chapter 555, Police Commissioners	11-20-2018
FY 19-065	Chapter 056, Officer and Employees Stipend	12-19-2018
FY 19-090	Chapter 385, Streets, Sidewalks and Public Places	02-20-2019

AND SECTION CHAPTER 49 ARTICLE 1, LOBBYIST DISCLAIMER IS HEREAFTER STRICKEN AND PER REASONS AS STATED AS WAS VETOED BY THE MAYOR ON MAY 28, 2004.

## **Adoption of Code 1**

### **§ 1. Adoption of Code.**

The ordinances of the City of Greenfield, formerly known as the Town of Greenfield, of a general and permanent nature adopted by the City Council, as previously consolidated by the City of Greenfield, as amended through 2002, and the ordinances of a general and permanent nature adopted by the City Council subsequent to that date, all as revised, codified and consolidated into chapters and sections by General Code LLC, and consisting the Code, Part 1, General Provision 1, through Appendix A-600 entitled General Law Acceptance and Special Act;



are hereby approved, adopted, ordained and enacted as the Code of the City of Greenfield, hereinafter known and referred to as the "Code."

**§ 2 Code supersedes prior ordinances.**

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

**§ 3. When effective.**

This ordinance shall take effect immediately upon passage and publication according to law and applied retroactively from September 1, 2017 thereafter.

**§ 4. Inclusion of Ordinance in Code.**

This ordinance shall, upon adoption, be included in the Code as Chapter 1, General Provisions, Article I, Adoption of Code.

**§ 5. Copy of Code on file.**

A copy of the Code in loose-leaf form has been filed in the office of the City Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the City of Greenfield by impressing thereon the Seal of the City as provided by law, and such certified copy shall remain on file in the office of the Clerk of the City to be made available to persons desiring to examine the same during all times while the said Code is in effect.

**§ 6. Publication; filing.**

The Clerk of the City of Greenfield, pursuant to law, shall cause to be published, in the manner required, a copy of this adopting ordinance in a newspaper of general circulation in the Town. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this adopting ordinance, coupled with the availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 7. Amendments to Code.**

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the City Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code of the City of Greenfield shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing the said Code as amendments and supplements thereto.

**§ 8. Inclusion of new legislation prior to adoption of Code.**

All ordinances of a general and permanent nature adopted subsequent to the date given in § 1 and prior to the effective date of this ordinance given in § 3 are hereby deemed to be part of the Code and shall, upon being printed, be included therein. Attested copies of all such legislation shall be temporarily placed in the Code until printed supplements are included.

**§ 9. Code to be kept up-to-date.**

It shall be the duty of the Clerk, or someone authorized and directed by her or him, to keep up-to-date the certified copy of the Code required to be filed in **his/her** office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code, at which time such supplements shall be included therein.

**§ 10. Altering or tampering with Code; penalties for violation.**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of



Greenfield to be misrepresented thereby. Anyone violating this section of this ordinance shall be subject, upon conviction, to a fine of not more than \$300.

**§ 11. Severability.**

- A. Severability of Code provisions. Each section of the Code, and every part of each section, is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.
- B. Severability of ordinance provisions. Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**§ 12. Repeal of ordinances.**

All ordinances or parts of ordinances of a general and permanent nature, adopted and in force on the date of the adoption of this ordinance and being inconsistent with any ordinance contained in the Code, are hereby repealed as of the effective date of this adopting ordinance, except as hereinafter provided.

**§ 13. Ordinances saved from repeal.**

The adoption of this Code and the repeal of ordinances provided for in § 12 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to September 1, 2017.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance, or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision, or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending, or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place, or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Town's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. Any ordinance providing for salaries or compensation.
- L. Any ordinance relating to traffic or parking.

**§ 14. Changes in previously adopted ordinances.**

- A. In compiling and preparing the ordinances for adoption and revision as part of the Code, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the City Council that all said changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.
- B. In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references in Schedule A attached hereto are to the ordinances as they have been renumbered and appear in the Code.)

**Order no. FY 20-042**

**MOTION:** On a motion by Councilor Stempel, second by Councilor Ricketts, it was by majority, 1 abstention,

**VOTED:** THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR MARTIN ORDERED THAT: THE COUNCIL INSTRUCTS THE CITY CLERK TO SUBMIT THE APPROVED VOTE OF FY19-079 TO THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS AND REQUEST SAID LEGISLATURE TO APPROVE AN ARTICLE 97 VOTE FOR THE LEASE.

**Order no. FY 20-052**

**MOTION:** On a motion by Councilor Ricketts, second by Councilor Gilmour, it was by majority, 1 no, 1 abstention,

**TABLED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL, IN ACCORDANCE WITH ARTICLE 3-1:(d) OF THE HOME RULE CHARTER, AS AMENDED, REQUESTS THAT THE FOLLOWING ORDINANCE BE ENACTED: THAT THE ANNUAL SALARY FOR THE MAYOR SHALL BE A MINIMUM OF \$105,000.00, EFFECTIVE IMMEDIATELY; AND IN ACCORDANCE WITH ARTICLE 2-4:2 OF THE HOME RULE CHARTER, AS AMENDED, REQUESTS THAT EACH TOWN (CITY) COUNCILOR RECEIVE AN ANNUAL SALARY OF \$15,000.00, EFFECTIVE ON JANUARY 15, 2021. FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE CITY OF GREENFIELD.

**Order no. FY 20-053**

**MOTION:** On a motion by Councilor Dolan, second by Councilor Mass, it was unanimously,

**TABLED:** THAT THE GREENFIELD CITY COUNCIL AMEND THE CODE OF THE CITY OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH ATTACHED HERETO CHAPTER 56, ARTICLE VII:STIPEND FOR SCHOOL BOARD MEMBERS AND CITY COUNCILORS, SECTION 18: ANNUAL STIPEND, EFFECTIVE JANUARY 1, 2023. AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE CITY OF GREENFIELD.

**Order no. FY 20-055**

**MOTION:** On a motion by Councilor Dolan, it was,

**WITHDRAWN:** THAT THE GREENFIELD CITY COUNCIL PLACE A NON BINDING RESOLUTION ON THE NOVEMBER BALLOT ON THE FRENCH KING HIGHWAY ZONING AMENDMENTS.